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1956

January 13

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SEP 23 1998

CONCORD, N.H.

Mr. Ray E. Tarbox, Commissioner
State Liquor Commission
109 North Main Street
Concord, New Hampshire

Dear Mr. Tarbox:

This is in reply to your letter of January 11, 1956, in which you inquired our opinion concerning the Match-Numbers Game, materials in respect thereto being attached to your letter.

It is my understanding that you desire to know if the Match-Numbers Game is a game of chance within the meaning of General Regulation #8 of the Commission. General Regulation #8 reads as follows:

"No permittee or licensee shall allow any person to loiter on his premises who is intoxicated or disorderly or who loiters for the purpose of soliciting, or who uses the premises for booking horses, sale of games of chance, or for any other illegal purpose."

It is our opinion that the games of chance referred to in the general regulation are those which are generally prohibited by law as being lotteries. The elements of a lottery are (a) chance, (b) consideration, and (c) a prize. State v. Eames, 87 N.H. 477, 478. As I understand the workings of the Match-Numbers Game no consideration is paid for the chance of winning the prize. One of the elements of a lottery being missing, that is, the element of consideration, the game does not constitute a lottery. Its use, then, by a permittee does not come within the prohibition of the general regulation cited.

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to Hampshire
ATTORNEY-GENERAL

Mr. Ray E. Tarbox, Commissioner

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us is returned herewith.

The material which you forwarded to

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEW/T